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REMARKS/ARGUMENTS

Claims 1 - 8 and 11 - 14 are pending in the application.

Claims 9 and 10 have been cancelled without prejudice.

Claims 11 - 14 have been added.

Claims 5 - 8 stand withdrawn as being drawn to a non-elected species.

The rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by Balazy et al (US 6,152,162) (hereinafter "Balazy") is respectfully traversed.

Balazy does not disclose, or even suggest, a valve in the flow path that controls the flow by pulsating the valve at a controlled frequency to obtain a preset target pressure. In addition, none of the prior art cited discloses or even suggests such a pulsating valve to regulate pressure based on the frequency of pulsation.

Thus, claim 1 cannot be considered as anticipated by Balazy. Furthermore, it is not obvious for someone skilled in the art to combine Balazy with any of the prior art cited to obtain the teaching of applicant's claim 1, since none of the prior art cited includes a pulsating control valve. In addition, it is not common practice to employ a pulsating valve in continuous flow control, since these valves are more commonly used for discrete volume control (for example, the filling of medical syringes) rather than for continuous flow control.

In view of the above, applicant requests reconsideration of the objection to claims 5-8 as being drawn to a non-elected

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species, since this objection is, *a posteriori*, based on Species A not being viewed as patently distinct in view of Balazy. If Species A is seen as patently distinct, as argued above, the objection as to non-elected species is moot since Species A is common to both claim 1 and claim 5.

Thus, for similar reasons, claim 5 should not be considered as anticipated in view of Balazy, nor as obvious in view of further prior art or common practice.

Claims 11 - 14 are patterned on claims 1, 2, 3 and 4. Claims 11 - 14 adds specific details of the control valve being capable of high-frequency pulsed operation and are patentable for the reasons given above. Balazy does not disclose or even suggest a valve in a flow path that controls the flow by pulsating the valve at a controlled frequency to obtain a preset target pressure.

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In view of the above, further and favorable reconsideration is respectfully requested.

Respectfully submitted,

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In the event this paper is deemed not timely filed, the applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 26-0090 along with any other additional fees which may be required with respect to this paper.

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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Jim Zegeer

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Feb 22, 2006